

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Petrus Besselink
Serial No. : 10/528,044
Filed : March 16, 2005
Title : VASCULAR FILTER WITH IMPROVED STRENGTH AND FLEXIBILITY
Docket No. : BES 0009 PA
Examiner : Elizabeth Houston
Art Unit : 3731
Conf. No. : 2774

Assistant Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

EFS Web Electronic Submission

May 27, 2010

Sir:

NOTICE OF APPEAL

The Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Final Rejection in the above-referenced patent application mailed on March 24, 2010. The claims of the present application have been twice rejected. Payment in the amount of \$270.00 is made via EFS by credit card to cover the small entity fee for filing this notice of appeal.

DINSMORE & SHOHL L.L.P.

By /John D. Reed/
John D. Reed
Registration No. 46,506

Fifth Third Center
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6453
Facsimile: (937) 449-6405

JDR/dp

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) BES 0009 PA						
<p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature <u>/John D. Reed/</u></p> <p>Typed or printed <u>John D. Reed</u> name _____</p>		<p>In re Application of Petrus Besselink</p> <table border="1"> <tr> <td>Application Number 10/528,044</td> <td>Filed March 16, 2005</td> </tr> <tr> <td colspan="2">For VASCULAR FILTER WITH IMPROVED STRENGTH AND FLEXIBILITY</td> </tr> <tr> <td>Art Unit 3731</td> <td>Examiner Elizabeth Houston</td> </tr> </table>	Application Number 10/528,044	Filed March 16, 2005	For VASCULAR FILTER WITH IMPROVED STRENGTH AND FLEXIBILITY		Art Unit 3731	Examiner Elizabeth Houston
Application Number 10/528,044	Filed March 16, 2005							
For VASCULAR FILTER WITH IMPROVED STRENGTH AND FLEXIBILITY								
Art Unit 3731	Examiner Elizabeth Houston							
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 540.00</p> <p> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 270.00 <input type="checkbox"/> A check in the amount of the fee is enclosed. <input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. <input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____. <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. </p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <table> <tr> <td><input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td> <td><u>/John D. Reed/</u> Signature <u>John D. Reed</u> Typed or printed name <u>937/449-6400</u> Telephone number</td> </tr> <tr> <td><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>46,506</u></td> <td> <u>May 27, 2010</u> Date</td> </tr> <tr> <td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</td> <td></td> </tr> </table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			<input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>/John D. Reed/</u> Signature <u>John D. Reed</u> Typed or printed name <u>937/449-6400</u> Telephone number	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>46,506</u>	 <u>May 27, 2010</u> Date	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	
<input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>/John D. Reed/</u> Signature <u>John D. Reed</u> Typed or printed name <u>937/449-6400</u> Telephone number							
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>46,506</u>	 <u>May 27, 2010</u> Date							
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____								
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>								

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.